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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan. 23 20 19
BY Suzanne Pacioni ANALYST

9
10 BEFORE THE
11 BOARD OF PODIATRIC MEDICINE
12 DEPARTMENT OF CONSUMER AFFAIRS
13 STATE OF CALIFORNIA

14 In the Matter of the Accusation Against:

Case No. 500-2017-000510

15 MATHEW JARED MORRIS, DPM
16 16 E. Fern Avenue, Suite A
Redlands, CA 92373
Podiatric License No. 4983

ACCUSATION

17 Respondent.
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20 Complainant alleges:

21 PARTIES

22 1. Brian Naslund (Complainant) brings this Accusation solely in his official capacity as
23 the Executive Officer of the Board of Podiatric Medicine, Department of Consumer Affairs.

24 2. On or about February 16, 2012, the Board of Podiatric Medicine issued Podiatric
25 License Number 4983 to Mathew Jared Morris, DPM (Respondent). The Podiatric License was
26 in full force and effect at all times relevant to the charges brought herein and will expire on
27 February 29, 2020, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Podiatric Medicine (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2222 of the Code states:

“The California Board of Podiatric Medicine shall enforce and administer this article as to doctors of podiatric medicine. Any acts of unprofessional conduct or other violations proscribed by this chapter are applicable to licensed doctors of podiatric medicine and wherever the Medical Quality Hearing Panel established under Section 11371 of the Government Code is vested with the authority to enforce and carry out this chapter as to licensed physicians and surgeons, the Medical Quality Hearing Panel also possesses that same authority as to licensed doctors of podiatric medicine.

The California Board of Podiatric Medicine may order the denial of an application or issue a certificate subject to conditions as set forth in Section 2221, or order the revocation, suspension, or other restriction of, or the modification of that penalty, and the reinstatement of any certificate of a doctor of podiatric medicine within its authority as granted by this chapter and in conjunction with the administrative hearing procedures established pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code. For these purposes, the California Board of Podiatric Medicine shall exercise the powers granted and be governed by the procedures set forth in this chapter.

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1 5. Section 2497 of the Code states:

2 “(a) The board may order the denial of an application for, or the suspension of, or the
3 revocation of, or the imposition of probationary conditions upon, a certificate to practice
4 podiatric medicine for any of the causes set forth in Article 12 (commencing with Section
5 2220) in accordance with Section 2222.

6 “(b) The board may hear all matters, including but not limited to, any contested case
7 or may assign any such matters to an administrative law judge. The proceedings shall be
8 held in accordance with Section 2230. If a contested case is heard by the board itself, the
9 administrative law judge who presided at the hearing shall be present during the board’s
10 consideration of the case and shall assist and advise the board.”

11 5. Section 2234 of the Code states in pertinent part:

12 “The board shall take action against any licensee who is charged with unprofessional
13 conduct. In addition to other provisions of this article, unprofessional conduct includes, but
14 is not limited to, the following:

15 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting
16 the violation of, or conspiring to violate any provision of this chapter.

17 “(b) Gross negligence.

18 “(c) Repeated negligent acts. To be repeated, there must be two or more
19 negligent acts or omissions. An initial negligent act or omission followed by a
20 separate and distinct departure from the applicable standard of care shall constitute
21 repeated negligent acts.

22 “(1) An initial negligent diagnosis followed by an act or omission medically
23 appropriate for that negligent diagnosis of the patient shall constitute a single
24 negligent act.

25 “(2) When the standard of care requires a change in the diagnosis, act, or
26 omission that constitutes the negligent act described in paragraph (1), including,
27 but not limited to, a reevaluation of the diagnosis or a change in treatment, and the
28 licensee’s conduct departs from the applicable standard of care, each departure

1 constitutes a separate and distinct breach of the standard of care.

2 "..."

3 7. Unprofessional conduct under Business and Professions Code section 2234 is conduct
4 which breaches the rules or ethical code of the medical profession, or conduct which is
5 unbecoming a member in good standing of the medical profession, and which demonstrates an
6 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
7 575.)

8 COST RECOVERY

9 8. Section 2497.5 of the Code states:

10 "(a) The board may request the administrative law judge, under his or her proposed
11 decision in resolution of a disciplinary proceeding before the board, to direct any licensee
12 found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual
13 and reasonable costs of the investigation and prosecution of the case.

14 "(b) The costs to be assessed shall be fixed by the administrative law judge and shall
15 not be increased by the board unless the board does not adopt a proposed decision and in
16 making its own decision finds grounds for increasing the costs to be assessed, not to exceed
17 the actual and reasonable costs of the investigation and prosecution of the case.

18 "(c) When the payment directed in the board's order for payment of costs is not made
19 by the licensee, the board may enforce the order for payment by bringing an action in any
20 appropriate court. This right of enforcement shall be in addition to any other rights the
21 board may have as to any licensee directed to pay costs.

22 "(d) In any judicial action for the recovery of costs, proof of the board's decision shall
23 be conclusive proof of the validity of the order of payment and the terms for payment.

24 "(e)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the
25 license of any licensee who has failed to pay all of the costs ordered under this section.

26 "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally
27 renew or reinstate for a maximum of one year the license of any licensee who demonstrates
28 financial hardship and who enters into a formal agreement with the board to reimburse the

1 board within one year period for those unpaid costs.

2 “(f) All costs recovered under this section shall be deposited in the Board of Podiatric
3 Medicine Fund as a reimbursement in either the fiscal year in which the costs are actually
4 recovered or the previous fiscal year, as the board may direct.”

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Gross Negligence)**

7 9. Respondent has subjected his Podiatric License No. 4983 to disciplinary action under
8 sections 2222 and 2497, as defined by section 2234, subdivision (b), of the Code, in that
9 Respondent committed gross negligence in his care and treatment of Patient A¹, as more
10 particularly alleged hereinafter:

11 **Patient A**

12 10. Respondent began treating Patient A on or about August 1, 2016. Patient A presented
13 with callus² formation, and a “blister” on his left great toe. Documentation showed neuropathy³,
14 long standing. Respondent trimmed Patient A’s “blister” on his left great toe and Patient A had
15 his fungal nails reduced. Patient A was provided with instructions on dressing the wound.
16 Respondent did not take any x-rays of Patient A’s left foot and/or left great toe. Respondent did
17 not place Patient A in a post-operative shoe or cam walker to eliminate pressure on the toes
18 despite diagnosing Patient A with a diabetic ulcer.

19 11. On or about August 15, 2016, Patient A returned to Respondent. Patient A was
20 prescribed antibiotics and the wound was noted to be broken down with poor quality tissue.
21 Respondent did not take any x-rays of Patient A’s left foot and/or left great toe. Respondent did
22 not take culture and sensitivity tests. Respondent did not consult with any vascular surgeons
23 regarding Patient A’s infected wound and a long standing diabetes and neuropathy. Respondent

24 ¹ A letter is being used in lieu of actual patient name or initials in order to preserve patient
25 privacy.

26 ² Callus is a thickened and hardened part of the skin or soft tissue, especially in an area
that has been subject to friction.

27 ³ Neuropathy, also called peripheral neuropathy, refers to any condition that affects the
28 normal activity of the nerves of the peripheral nervous system.

1 did not place Patient A in a post-operative shoe or cam walker to eliminate pressure on the toes
2 despite diagnosing Patient A with a diabetic ulcer.

3 12. In or around the end of August 2016, Patient A was seen at Loma Linda University
4 Medical Center and had an amputation of his left hallux⁴. Several months thereafter, Patient A
5 underwent partial amputation of the second and third toes.

6 13. Respondent committed gross negligence in his care and treatment of Patient A, which
7 included, but were not limited to:

8 (a) Respondent failed to take any x-rays during Patient A's two visits.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Repeated Negligent Acts)**

11 Respondent has subjected his Podiatric License No. 4983 to disciplinary action under
12 sections 2222 and 2497, as defined by section 2234, subdivision (c), of the Code, in that
13 Respondent committed repeated negligent acts in his care and treatment of Patient A, as more
14 particularly alleged hereinafter:

15 14. Paragraph 10 through 13 above, are incorporated by reference and realleged as if fully
16 set forth herein.

17 15. Respondent committed repeated negligent acts which included, but were not limited
18 to, the following:

19 (a) Respondent failed to take any x-rays during Patient A's two visits; and

20 (b) Respondent failed to place Patient A in a post-operative shoe or cam walker.

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28 ⁴ Hallux refers to a person's big toe.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 Respondent has subjected his Podiatric License No. 4983 to disciplinary action under
4 sections 2222 and 2497, as defined by section 2234, of the Code, in that he has engaged in
5 conduct which breaches the rules or ethical code of the medical profession, or conduct which is
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an
7 unfitness to practice medicine, as more particularly alleged hereinafter.


8 16. Paragraphs 10 through 15, above, which are hereby incorporated by reference as if
9 fully set forth herein.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Podiatric Medicine issue a decision:

- 13 1. Revoking or suspending Podiatric License Number 4983, issued to Mathew Jared
14 Morris, DPM;
15 2. Ordering Mathew Jared Morris, DPM to pay the Board of Podiatric Medicine the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 2497.5; and,
18 3. Taking such other and further action as deemed necessary and proper.
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21 DATED: January 23, 2019


22 BRIAN NASLUND
23 Executive Officer
24 Board of Podiatric Medicine
25 Department of Consumer Affairs
26 State of California
27 Complainant
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